

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LOLA T. COLLINS WELCH,

CASE NO. 3:21 CV 1615

Plaintiff,

v.

JUDGE JAMES R. KNEPP II

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**MEMORANDUM OPINION AND
ORDER**

Pro se Plaintiff Lola T. Welch filed a Complaint for judicial review regarding four Notices of Overpayment she received from the Social Security Administration. *See* Docs. 1, 6. This case was referred to Magistrate Judge Darrell A. Clay for a Report and Recommendation (“R&R”) under Local Civil Rule 72.2(b)(2). Judge Clay recommends this Court grant the Commissioner’s Motion to Dismiss and dismiss Plaintiff’s Complaint without prejudice for lack of subject matter jurisdiction pursuant to Federal Civil Rule 12(b)(1). (Doc. 8).

Under the relevant statute:

Within fourteen days of being served with a copy [of a Magistrate Judge’s R&R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(2). The failure to file timely written objections to a Magistrate Judge’s R&R constitutes a waiver of *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

In this case, the fourteen-day time period has passed and no objections have been filed.

Despite the lack of objections, the Court has reviewed Judge Clay's R&R, and agrees with the findings and recommendation therein. Therefore, the Court ADOPTS Judge Clay's R&R (Doc. 8) as the Order of this Court, GRANTS the Commissioner's Motion to Dismiss (Doc. 6), and DISMISSES Plaintiff's Complaint without prejudice.

IT IS SO ORDERED.

s/ James R. Knepp II
UNITED STATES DISTRICT JUDGE